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Committee on Relations with the Host Country

Letter dated 14 August 2001 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to refer to note verbale No. HC-36-01, dated 13 August 2001, sent by the United States Mission to the Permanent Mission of Cuba to the United Nations (see annex), and request that you, in your capacity as Chairman of the Committee on Relations with the Host Country, circulate the present letter and its annex as a document of the Committee.

(*Signed*) Robert C. **Moller**
Minister-Counsellor
Host Country Affairs

01-50968 (E) 140801

Annex to the letter dated 14 August 2001 from the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

HC-36-01

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and wishes to inform the Permanent Mission of the current status of the Permanent Mission's diplomatic bank accounts at the Chase Manhattan Bank in New York, and to remove any misunderstanding on the part of the Permanent Mission in this regard.

The United States Mission understands from the Chase Manhattan Bank that the diplomatic accounts of the Permanent Mission are operating, notwithstanding a restraining notice served by the plaintiff's attorney in connection with a judgement obtained in a Florida State Court in *Martinez v. Cuba*.

It is the view of the Department of State that the diplomatic bank accounts of the Permanent Mission are immune from attachment and execution. The Department of State may seek the assistance of the Department of Justice should any attempt be made to interfere with the operation of diplomatic accounts.

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Committee on Relations with the Host Country

Letter dated 23 August 2001 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

On 17 August 2001, the Committee on Relations with the Host Country held a special meeting to deal with a diplomatic immunity violation and the disruption to the normal and full functioning of the Permanent Mission of Cuba to the United Nations caused by a restraining notice against the bank accounts of the Permanent Mission of Cuba, which was served at the Chase Manhattan Bank in New York, having been issued in *Martínez v. Republic of Cuba*, index No. 111427-01.

During the meeting, the distinguished delegation of the United States informed the Committee, as noted in the records, that the aforesaid restraining notice had been withdrawn on 16 August 2001.

On the same evening, the Permanent Mission of Cuba sent a note verbale to the United States Mission to the United Nations, informing the latter that, after having contacted that afternoon, through the law firm representing the Cuban Mission, both the Chase Manhattan Bank in New York and the United States Attorney's Office in New York, it had been advised that the restraining notice was still in force, and requesting an explanation in this regard (see annex).

On 23 August 2001, the Permanent Mission of Cuba, through its law firm, was informed by the Chase Manhattan Bank in New York and the United States Attorney's Office in New York that the restraining notice is still in force.

Taking into consideration the seriousness of this matter, the extension of the violation of diplomatic immunity and the disruption of the full and normal functioning of the Mission of Cuba caused by the existence of the restraining notice, as well as the fact that there has been no change in this situation whatsoever, as the Committee on Relations with the Host Country would have expected, I request the circulation of the present letter and its annex as documents of the Committee.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(*Signed*) Bruno Rodríguez **Parrilla**
Ambassador
Permanent Representative

01-52031 (E) 270801

Annex to the letter dated 23 August 2001 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Note verbale No. 347 dated 17 August 2001 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of the Republic of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to refer to the statement by the distinguished delegation of the United States, at the 208th meeting of the Committee on Relations with the Host Country, held in the morning of 17 August 2001, that the restraining notice against the bank accounts of the Permanent Mission of Cuba, which was served at the Chase Manhattan Bank, having been issued in *Martinez v. Republic of Cuba*, index No. 111427-01, had been withdrawn on 16 August 2001.

The Permanent Mission of Cuba, through the law firm of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, representing it, contacted the Chase Manhattan Bank at 4.40 p.m. on 17 August 2001 and was informed by the Bank that it had not received any notice or document whatsoever, and that the aforesaid restraining notice was therefore still in place, with full legal effect.

The Permanent Mission of Cuba, through the law firm of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, representing it, contacted the United States Attorney's Office in New York at 4.50 p.m. on 17 August 2001, and was informed by the latter that it had not received any notice or reply from the plaintiff in *Martinez v. Republic of Cuba*. Therefore, the restraining notice was still in place. It also noted that the New York Attorney would not be able to verify if the plaintiff had already received his letter since it was sent by regular mail.

The Permanent Mission of Cuba, after having examined the documents received at the end of the meeting of the Committee on Relations with the Host Country — a letter from the Director of the Office of Foreign Assets Control with the Treasury Department to the Assistant United States Attorney and a letter from the Assistant United States Attorney to the plaintiff — considers that none of the above-mentioned documents indicates the withdrawal of the restraining notice or provides any guarantees that it will be withdrawn.

The Permanent Mission of Cuba takes note with concern of the inaccuracy of the statement on the withdrawal of the restraining notice by the United States Mission and requests an explanation in this regard.

The Permanent Mission of Cuba to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its consideration.